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## CRITIQUE OF AN EPITOME PRACTICAL ROLE OF LAW CLINIC IN CLINICAL LEGAL EDUCATION IN NIGERIA

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### ABSTRACT

*The old legal tradition of great / heavy reliance on theoretical legal learning appeared hitherto the order of the day in Nigeria. Learning is a continuous process and education is crucial for the passing of knowledge. Contemporarily, one of the most effective methods of passing impactful legal education more effectively is vide Clinical Legal Education (CLE). CLE was introduced into the Nigeria legal education space as a result of the fact that learning in law faculties was essentially by the archaic (rote method) of teaching, passing on few skills and inculcating no worthwhile values. A significant upshot of CLE is the operation of law clinics. These law clinics serve as a bridge between the classroom and legal practices. Apart from law students put into practical action on what they have learned in the classroom, they also help the students to serve as a bastion of legal aid for the legally disadvantaged by offering paralegal supports to a greater extent. This paper examines the role and significance of law clinics in CLE, with particular focus on the University of Ilorin Legal Aid Clinic. Through a doctrinal examination of the activities of the law clinic and its achievements, the paper finds that law clinics do in fact contribute immensely to the actualization of the goals of CLE. The paper further interrogates the challenges that militate against the operation of law clinics and CLE in Nigeria and offers recommendations on how they can be resolved. It is found that there is the urgent need to ensure practical implementation of the mainstreaming of CLE in Nigerian law faculties to keep pace with international best practices for the development of the legal profession in Nigeria.*

**KEYWORDS:** *Legal Aid, Clinical Legal Education, Law Clinic, Clinician and Nigeria*

### INTRODUCTION

*The purpose of education, especially legal education, is to pass information and instruction from teacher to student, with the ultimate purpose being to produce subsequent sets of legal practitioners well equipped for practice. Many theories and models of education have been developed to ensure the effective education. Unfortunately, many of these continue to be inefficient and unsuitable to the effective actualization of the ultimate goal, to produce multi-talented lawyers with deep skills.<sup>1</sup>*

*Elucidating on the troubling state of affairs, Adekoya, stated in her 2006 report at the Summit on the Future of Legal Education that:*

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<sup>1</sup>B.A. Nsamenang, *Teaching Methods*, in B.A. Nsamenang & M.S.T. Tchombe, (eds) *Handbook of African Educational Theories and Practices: A Generative Teacher Education Curriculum*, Presses Universitaires d'Afrique, Cameroon, 2011, pp. 289 – 302.

*in both the university and at the Law School, subjects are taught by rote, with students being given handouts and lecture notes. Independent research is not often encouraged, and the facilities for it are virtually non-existent”.*<sup>2</sup> This situation “led to the need to devise new methods of skills training in order to produce a new generation of competent lawyers with a level of practical experience that will enable them to be responsive to the needs of the society”.<sup>3</sup>

*It was to this end that Clinical Legal Education (CLE) was developed as a panacea to the problem. At the end of the 2006 Summit on the Future of Legal Education, it was proposed that practical/clinical training be introduced into legal education.*<sup>4</sup>

*Since its steady introduction in 2003 alongside the establishment of the Network of University Legal Aid Institutions (NULAI), CLE has continued to grow in Nigeria. This paper proposes to x-ray the development of CLE in Nigeria, with emphasis on the increasing significance of Legal Aid Clinics (Law Clinics) to the practical education of law students. The paper especially focuses on these developments through the myriad of the activities and achievements of the University of Ilorin Law Clinic.*

## **1. CLINICAL LEGAL EDUCATION IN NIGERIA**

Although there is no consensus as to the definition of CLE especially that the existing definitions are often representative of the experiences of the authors. Some attempts made by authors at the definitions of CLE are as follows. Woodruff and Bucker posited that “*clinical legal education is a method of training law students by putting them in situations where they must apply legal theory, principles and doctrines they have studied in a class room setting*”.<sup>5</sup> Another author, Grimes, described the concept to mean:

*a learning environment where students identify, research and apply knowledge in a setting which replicates, at least in part, the world where it is practiced ... it almost inevitably means that the student takes on some aspect of a case and conducts this as it would... be conducted in the real world.*<sup>6</sup>

Grimes’ definition seems to view CLE through the prism of a hypothetical environment where students apply knowledge they have gained in the traditional classroom setting. However, the definition proposed by Woodruff and Bucker is much closer to the ideal of CLE as a mechanism that allows students apply classroom lessons in a *real* environment. Reinforcing this position, Sun defined CLE as:

*a new pattern of legal education that uses the form for reference that medical schools use with clinics to cultivate interns, to introduce the pattern of clinical education to legal education. In an actual or suppositional legal scenario and under the teacher’s guidance, through real cases and participation in law suits in person, students understand and study law; ‘diagnose’ and ‘prescribe’ the legal problems of clients and provide solutions for their problems and legal service.*<sup>7</sup>

This description better captures and reflects the purpose and significance of CLE as a tool that tests law students’ performance on live cases or problems, exposes them to the

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<sup>2</sup> F. Adekoya, *The Problems Of Legal Education In Nigeria – Setting The Tone For Discussion*, Summit on the Future of Legal Education, Nigerian Bar Association, Sheraton Hotels and Towers, Abuja 2nd - 3<sup>rd</sup>, May 2006

<sup>3</sup> A. O. Popoola, *Restructuring Legal Education in Nigeria: Challenges and Options*, In Ayua, I. A. and D. A. Goubadia, *Legal Education for the 21st Century Nigeria*, Nigerian Institute of Advanced Legal Studies, 2000, pp. 233-260

<sup>4</sup> F. Adekoya, *The Problems Of Legal Education In Nigeria – Setting The Tone For Discussion*, n. 2

<sup>5</sup> W. A. Woodruff, A. Bucker, *The Bologna and German Legal Education: Developing Professional Competence through Clinical Experiences*, *German Law Journal*, Vol. 9, p. 575, 2008.

<sup>6</sup> R. Grimes, *The Theory and Practice of Clinical Legal Education*, in J. Webb, C. Maugham (eds.), *Teaching Lawyers’ Skills*, p.138, 1996.

<sup>7</sup> S. Sun, *On the Teaching Objectives and Special Features of Clinical Legal Education in Advanced Educational Technologies*, p. 166, in L. Odigie-Emmanuel, *The Impact of Clinical Legal Education Curriculum and Delivery on Students Performance: A Case Study of the Nigerian Law School*, *International Journal for Clinical Legal Education Conference, University of Valencia Spain*, 2011.

## CRITIQUE OF AN EPITOME PRACTICAL ROLE OF LAW CLINIC IN CLINICAL LEGAL EDUCATION IN NIGERIA

simulation of a lawyer's role in hypothetical cases, helps them master basic lawyering skills and allows them attain to a better understanding of professional responsibility, substantive and procedural law, as well as the theory of legal practice.<sup>8</sup> It is "*the use of any kind of experiential, practical or active training as legal professionals to impart such skills as the ability to solve legal problems*".<sup>9</sup>

In essence, CLE helps prepare students better for the task of meeting the needs of clients in multifarious scenarios through different methods that use a number of interactive teaching strategies. These include brainstorming, case studies, community resource problems, community impact projects, group discussions, lectures, mock trials, client counseling and mootings.<sup>10</sup>

### 2. THE NETWORK OF UNIVERSITY LEGAL AID INSTITUTIONS (NULAI)

NULAI has undoubtedly been the most important factor and the brain behind the growth of CLE in Nigeria. This is largely because the introduction of CLE into Nigeria is mostly due to the pioneering efforts of NULAI. The body was established in 2003 as a non-profit, non-political, non-governmental organization with focus on promoting clinical legal education, reform of legal education, access to justice and legal aid in Nigeria.<sup>11</sup>

The process that led to its establishment began with the first British-Nigeria Law Forum hosted in Abuja, Nigeria in 2001.<sup>12</sup> The forum, which was sponsored by the British Council and the Department for International Development, laid the foundation for a follow-up Legal Education Forum which was hosted in Nigeria in January 2002. These forum helped foster discussions that turned public attention towards the urgent need for the reformation of legal education in Nigeria and the introduction of CLE into law faculty curricula. Eventually, in June 2003, the Open Society Justice Initiative organized the first All Africa Clinical Legal Education Colloquium and at the conclusion of the event, representatives from the Nigerian Law School, Enugu Campus, University of Ado-Ekiti and the University of Ibadan met and laid the foundation for the emergence of NULAI.<sup>13</sup>

#### 2.1 Activities and Impact of Nulai on Clinical Legal Education in Nigeria

In the years, since its establishment in 2003, NULAI has had significant impact on the development of CLE in Nigeria. In partnership with international donors, the body hosted the 1<sup>st</sup> Nigeria Clinical Legal Education Colloquium in February 2004, at Abuja. The immediate effect of the colloquium saw the establishment of four pilot law clinics in the following institutions: Abia State University, University of Maiduguri, University of Uyo and Adekunle Ajasin University.<sup>14</sup>

In order to further enlighten law lecturers on the benefits of CLE, the body facilitated a special session on CLE at the 41<sup>st</sup> Annual Conference of the Nigerian Association of Law Teachers (NALT) at the University of Jos in 2005. A similar session was facilitated at the Nigerian Bar Association Summit on Legal Education in 2006.

As part of its continuing impact on law students and law faculties, NULAI also hosts annual Client Interviewing and Counseling Skills Contests to inculcate clinical skills in law students through the medium of simulated client interview sessions. The 14<sup>th</sup> edition of the

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<sup>8</sup>American Bar Association, *Report of the Association of American Law Schools* (American Bar Association Committee on Guidelines for Clinical Legal Education, 1980, p. 12.

<sup>9</sup>*Inside the Network of University Legal Aid Institutions*, NULAI, <[www.nulai.org](http://www.nulai.org)> accessed June 9, 2019

<sup>10</sup>J.K.. Asiema, L.W. McKinney, *The Clinical Programme of the Faculty of Law, University of Nairobi: A Hybrid Model*, Paper presented at the 1st All-Africa Clinical Legal Education Colloquium Durban, South Africa, 2003

<sup>11</sup>E. Ojukwu, S. Erugo, C. Adekoya, *Clinical Legal Education: Curriculum, Lessons and Materials*, Network of Universities Legal Aid Institutions, Abuja Nigeria, 2013. See also <[www.nulai.org](http://www.nulai.org)>

<sup>12</sup>Network of Universities Legal Aid Institutions Activities Report 2004 – 2008, see also [www.nulai.org](http://www.nulai.org)

<sup>13</sup>Ibid

<sup>14</sup>Ibid

contest was held in, Sokoto State Nigeria, in January 2019. The winner of the national competition qualifies to represent Nigeria at the Louis M. Brown and Forrest Mosten International Client Counseling Competition.

The body also routinely conducts and engages law clinics in access to justice and social advocacy programs in conjunction with international donors. These include campaigns on prison decongestion, freedom of information, child rights and trafficking in persons. In 2014, NULAI invited law clinics from across Nigeria to participate in a prison decongestion project sponsored by the Justice 4 All Initiative. A similar project was launched in 2018, in conjunction with Open Society Initiative for West Africa.

Apart from producing a wide range of publications including curricula, handbooks and reports that are aimed at guiding law teachers and students in implementing CLE,<sup>15</sup> the body has also helped to introduce CLE as a full credit course of study for students in their penultimate or final year classes. Through their activity, the minimum standard of the NUC and Council of Legal Education now recognizes CLE as an important part of legal education in Nigeria. This is also reflected within the provisions of the Legal Aid Act 2011, which recognizes law clinics as legal aid providers.

According to NULAI's 2013 Impact Assessment Report, the activities of the body have resulted in the training of over 100 law teachers and engagement of over 3,000 law students in CLE since its inception.<sup>16</sup> It reports that over 1,800 indigents have received free legal services and up to 7,400 people have been educated via street law programmes during more than 60 community outreaches.<sup>17</sup>

### 3. LAW CLINICS IN NIGERIA

As reported in its 2014 Compendium of Campus Based Law Clinics in Nigeria, there are 18 law clinics in Nigeria.<sup>18</sup> These are located in University of Ilorin, University of Maiduguri, Adekunle Ajasin University, University of Uyo, Ebonyi State University, Ambrose Alli University, Ahmadu Bello University, University of Ibadan, University of Abuja, University of Nigeria, Olabisi Onabanjo University, Nassarawa State University and the Nigerian Law School Campuses at Abuja, Enugu, Kano, Lagos and Yola.<sup>19</sup>

In addition to serving as platforms for the inculcation of practical CLE, these law clinics also help to fill the uncovered gap left by the inadequacies of government legal aid programmes.<sup>20</sup> This is why Emil Winkler described law clinics as “*a combination of practical legal education and legal aid*”.<sup>21</sup>

#### 3.1 University of Ilorin Law Clinic as an Epitome

The University of Ilorin Law Clinic (ULC) came into full-fledge operation by February 2013, sequel to an application made to NULAI in November 2011. The ULC became fully operational in the same year, operating out of an office within the Law Faculty, University of Ilorin.

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<sup>15</sup> These include *Clinical Legal Education Curriculum for Nigerian Universities Law Faculties/clinics*, now reviewed and titled *Clinical Legal Education: Curriculum, Lessons and Materials*, ISBN: 978-978-932-380-7; *Handbook on Prison Pre-trial Detainee Law Clinic*, ISBN 978-978-932-354-8; *Manual on Prison Pre-trial Detainee Law Clinic*, 978-978-932-364-7; *African Journal of Clinical Legal Education and Access to Justice* (ISSN 2315-5728).

<sup>16</sup> Network of Universities Legal Aid Institutions Assessment Report 2013. Available at [www.nulai.org](http://www.nulai.org)

<sup>17</sup> Ibid

<sup>18</sup> *Compendium of Campus Based Law Clinics in Nigeria*, Network of Universities Legal Aid Institutions Publication, Nigeria, 2014. Available at <[www.nulai.org](http://www.nulai.org)> accessed June 10, 2019

<sup>19</sup> Ibid

<sup>20</sup> O. Bamgbose, Access to justice through clinical legal education: A way forward for good governance and development, *African Human Rights Law Journal*, Vol. 15, pp. 378-396 2015. <<http://dx.doi.org/10.17159/1996-2096/2015/v15n2a7>> accessed June 9, 2019

<sup>21</sup> E. Winkler, ‘*Clinical Legal Education: A report on the concept of law clinics*’ <[http://law.handels.gu.se/digitalAssets/1500/1500268\\_law-clinic-rapport.pdf](http://law.handels.gu.se/digitalAssets/1500/1500268_law-clinic-rapport.pdf)> accessed June 9, 2019

## CRITIQUE OF AN EPITOME PRACTICAL ROLE OF LAW CLINIC IN CLINICAL LEGAL EDUCATION IN NIGERIA

The idea behind the ULC is closely linked to the need to reform legal education and promote human rights in relation to access to justice for indigent individuals and vulnerable groups. In this respect, the ULC was set up to achieve two fundamental objectives: the service and educational objectives in addition to ensure collaboration with major stakeholders in the justice sector.

The educational objective of the ULC revolves around developing and enhancing students' learning experience through practical application of classroom lessons. The focus is specifically on building understanding of substantive law and procedural legal process, professional ethics and responsibilities, and the role of law, justice and legal professionals in society. The service objective on its part is adapted towards the provision of opportunities for indigent and unrepresented or underrepresented members of communities within the jurisdiction of the law clinic to access justice and legal aid. Specifically, the ULC has the mandate of providing free legal representation, legal advice, community outreach and advocacy, legal assistance and alternative dispute resolution services. Unlike some law clinics such as the Women's Law Clinic, University of Ibadan, the ULC does not offer specialized services to any class of persons but to all. However, due to its situation within the heart of the University of Ilorin campus, the client profile of the law clinic is dominated by students of the university, with a smattering of university staff.

The ULC is a walk-in law clinic operating from Mondays to Fridays, except on public holidays and is usually open from 09:00am to 04:00pm. Although participation at the ULC is not currently required as part of minimum academic requirements for graduation, interest in the law clinic amongst students of the law faculty is high. Thus, membership of the law clinic is strictly voluntary, with membership mostly restricted to 3<sup>rd</sup>– 5<sup>th</sup> year law students (although 2<sup>nd</sup> year law students may be admitted on ad-hoc basis) referred to as "clinical law students" or "clinicians". The ULC is managed substantially by law students. It is administered by a team of executives appointed from amongst the students and chaired by a Clinic Manager. The ULC is likewise supervised by a team of staff coordinators that provide guidance to the students and headed by a Lead Coordinator.

### **3.2 Activities and Achievements of the Clinic**

In pursuit of its objectives, the ULC has maintained a number of programs and projects geared towards achieving these objectives. These include the following:

#### **3.2.1 Advisory and Affidavit Exercise**

The ULC embarked on the Affidavit Project in March 2017. At its inception, the Project was meant to help facilitate easy access to legal advice and drafting services in respect of affidavits for screening for penultimate year students of the University of Ilorin during their mandatory university clearance process. The Project was born out of a need to help ensure that students do not fall into the hands of individuals that would levy outrageous sums upon them for affidavit services, especially at the High Court entrances. As such, it was created in direct response to an observed need to ameliorate the unnecessary and avoidable hardship on students.

Since its inception in 2017, the Affidavit Project has been very successful. In its first year, the Law Clinic advised on over 300 affidavits and drafted a further 200 for various penultimate year students of the university. Due to its success, the Project has attracted clients of an increasingly wider service base. As such, from 2018 to 2019, the Law Clinic has been able to provide a wider range of services to individuals comprising more than just penultimate year students.

The Law Clinic currently advises on myriad affidavit issues including but not limited to correction of details on documents, harmonisation of BVN details, loss of identity cards and other documents, declaration of age, change of name inter alia. Through the Project, the Law Clinic has attained higher relevance within the university community. Indeed, this

relevance is now such that banks within the university environs refer their clients to the Law Clinic whenever they identify the need for an affidavit.

Also, in consequence of the expanded services being provided by the Law Clinic, a larger number of students are now able to escape paying exorbitant fees for affidavit services at respective courts in Ilorin Kwara State Nigeria. At last count, the Law Clinic has provided advisory and drafting services on over 500 affidavits from late 2018 till mid-2019, a substantial increase from previous years.

### **3.2.2 Community Awareness and Freedom of Information (FOI) Project**

The ULC has also conducted a number of community impact projects meant to create awareness about access to justice, rights and the means of their enforcement.

On February 1 and 8, 2017, the law clinic visited six associations within the University of Ilorin campus to educate students on the rights of a tenant in relation to the rights of a landlord. The awareness event was necessitated by the observed increase in the number of students that visited the law clinic in relation to landlord and tenant disputes. The exercise was conducted with a view to eradicating or at least mitigating these problems through the medium of education on the rights available to these students.

The event achieved its aim as most of the educated students were able to ask several questions on the content of their rights and left the awareness program much better fortified to deal with landlord related issues.

On another occasion, the law clinic organized a Freedom of Information awareness advocacy visit and outreaches in target communities aimed at improving freedom of information in Ilorin Kwara State and its environs to spread awareness about the Freedom of Information Act 2011 (FOI Act) and the benefits it holds for communities, specifically the power to hold their elected leaders to account to enhance growth and sustainable development. The awareness project sponsored by the United Nations Democracy Fund (UNDEF) and implemented by NULAI, improved the capacity of law clinics around the country to help educate communities about the power of the FOI Act.

### **3.2.3 Prison Decongestion Exercises**

In the same vein as the community impact projects the ULC was able to execute, in 2014 and 2018, the law clinic was also sponsored by Open Society Initiative for West Africa (OSIWA) in conjunction with NULAI to provide access to justice services for awaiting trial inmates in Kwara State prisons.

In 2018 particularly, the law clinic participated in a prison decongestion project tagged “Expanding Access to Justice for Pre-Trial Detainees in Nigeria”. The project was sponsored by the Open Society Initiative for West Africa and implemented by NULAI between January to December 2018.

Under the project, the law clinic was able to provide access to justice services for 50 pre-trial detainees in Oke-Kura Maximum Security Prison and Mandala Medium Security Prison in Ilorin, Kwara State. At the end of the project, the law clinic was able to provide legal representation for 23 detainees that had no counsel to represent them in court. DPP’s advice was requested on behalf of 18 detainees and bail application services were provided for 6 detainees. The ULC was also able to secure the completion of a number of cases including 5 detainees discharged and/or acquitted, 3 convicted and 5 cases settled.

Apart from this, the law clinic was able to employ extensive measures aimed at contacting families of the detainees to apprise them of the detainees’ situation and also to secure their cooperation with regards to bail and other matters. The ULC was able to contact 28 detainee families and link them up with their loved ones in detention.

### **3.3 Worthy Experiences and Lessons**

The prison visitation offered an avenue to some of the clinicians their first opportunity to see what happens behind a prison gate. After their encounter with the inmates, many



## CRITIQUE OF AN EPITOME PRACTICAL ROLE OF LAW CLINIC IN CLINICAL LEGAL EDUCATION IN NIGERIA

decided to commit themselves as the voice of the voiceless while others confessed that they were surprised that not everyone behind bar was actually a “criminal”.

Also, two clinicians embarked on a trip to locate the family of an inmate who was awaiting trial. The inmate had been incarcerated without the knowledge of his where-about by his family.

The clinic had also brought smiles to the faces of many people in the society. The clinicians were thrilled when an inmate, whose acquittal and transportation to Calabar to reunite with his family was facilitated by the Clinic, called after some weeks informing that he had secured a job, reunited with his family and was quietly enjoying his life. The encomiums showered on clinicians and coordinators alike by the family members of an accused person and other released inmates were continuously refreshing and invigorating.

It is noteworthy that the experiences of clinicians and the contact they were afforded with the Nigerian justice system especially during the prison decongestion exercises were illuminating. One clinician, Asipa Itunu, opined:

*I always thought that the prison was home for convicts, most especially those guilty of capital offences, but I got to find out that some of them are just victims of circumstances. I dare say I had a change of perception and for that I am grateful.*<sup>22</sup>

This exposure is not just limited to the prison decongestion exercises either. The ULC's affidavit project also brought many clinicians directly in contact with the culture of exploitation at the state High Court in Kwara State. One clinician, Ibrahim Ismail, was so frustrated at the state of affairs that he called the Clinic Manager from the court premises and lamented:

*The commissioners [for oaths] have refused to sign our affidavits sir. They keep saying we should give them something because we are also making profit from the affidavits. I explained to them that we are only providing legal aid but they refused to listen. I have gone to four commissioners now and all of them have refused to sign. They keep referring me to other commissioners.*<sup>23</sup>

It must be stated that notwithstanding the above, there are a number of commissioner for oaths that are supportive and always willing to discharge their duties diligently.

### 4. IMPACT OF CLINICAL LEGAL EDUCATION ON CLINICIANS AND STAFF COORDINATORS

It is without doubt that the opportunities for a more engaged legal education and involvement provided by CLE-inspired law clinics continues to bring about significant advantages for law students and coordinators.

#### 4.1 Impact on Clinicians

In one study conducted on the impact of law clinics on students at the University of Ibadan law faculty, one author observed that students, under the system of rote learning were in the habit of missing classes and failing to pay attention to lectures.<sup>24</sup> As such, they were not being involved adequately in the learning process. However, on the introduction of CLE and the law clinic, “*students showed positive attitude towards clinical learning since both students and lecturers were able to contribute and share knowledge with higher rate of interaction*”.<sup>25</sup>

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<sup>22</sup> NULAI Nigeria, *Learning and Reflections Portal* <<https://nulaiprisonclinics.blogspot.com>> accessed June 10, 2019

<sup>23</sup> Report of visit to the High Court, Ilorin premises to oath affidavits on behalf of clients of the ULC. Information on file with the author, 2019

<sup>24</sup> A. A. Adewumi, O.A., Bamgbose, Attitude of Students to Clinical Legal Education: A Case Study of Faculty of Law, University of Ibadan, *Asian Journal of Legal Education*, Vol. 3, No.1, pp. 106-111, 2016.

<sup>25</sup> O.S. Adelakun-Odewale, Role of Clinical Legal Education in Social Justice in Nigeria, *Asian Journal of Legal Education*, Vol. 5, No.1, pp 1–11, 2017., citing Adewunmi & Bamgbose, n. 24

This was eventually linked to higher participation and better grades, with zero withdrawal rate.<sup>26</sup>

At the ULC as well, it has also been observed that CLE and the law clinic have helped many of the students to build a reserve of knowledge that is deeper and richer than what they can access in the ordinary classroom. Through the medium of the varied experiences they are exposed to while participating in the law clinic's projects, they have attained better understanding of procedural and substantive law as well as the simple, practical experience of what the legal realities are in Nigeria.

The ULC's activities have also been vital to helping clinicians develop a range of lawyering skill that would, hitherto, have only seen improvement in active practice as a barrister or solicitor. These include client interviewing and counseling skills, office management skills, legal problem analysis, development of legally sound courses of action etc.

Moreover, clinicians have been able to adapt the skills they have learned and knowledge they have gained in the law clinic to their lessons in the classroom. Courses such as Moot Court and Mock Trial Advocacy<sup>27</sup> have been made so much easier for clinicians because they include topics such as advocacy, client counseling, legal writing, legal research and problem solving, all skills that are routinely inculcated in the students through the law clinic, including areas not covered like training and training workshops, drafting, interviewing of inmates, client interviewing and counseling, data management and reporting, digital input of clinic cases on specially designed databases, fundamentals of ethics, privileges, and confidentiality. It is noteworthy that clinicians have constituted the nucleus of high scoring students in that course for the past few years.

#### **4.2 Impact on Staff Coordinators**

To the coordinators, the law clinic serves two purposes. First, it has served as a great platform on which the coordinators are able to build their public interest lawyering portfolios and indulge their passion for helping to achieve access to justice and legal aid. This is arguably more important now than ever before since the Legal Practitioners Privileges Committee requires evidence of involvement in pro bono cases for the award of the distinguished honour of Senior Advocate of Nigeria. One prominent example of this impact is Amari Omaka (SAN), Dean of Faculty of Law, Ebonyi State University and an ardent supporter (and coordinator) of the EBSU Law Clinic.

The second area in which the law clinic impacts on coordinators is in the academic sphere. Since law clinics are active supporters in the Nigerian justice administration and legal aid system, as the Legal Aid Act shows that coordinators are rich resource for statistics and insights into the state of access to justice and legal aid in Nigeria. They provide rich fodder for academic studies and research, and have even been vital to the creation of many advantageous academic papers like this. Besides, in the course of training, advocacy visits to prisons and stakeholders in the justice sector, interviewing, filing of processes, interventions and prosecution, by implication, both clinicians and coordinators are offered continued legal education.

On these two counts, law clinics remain significant to coordinators, just as much as they are vital to law students.

### **5. CHALLENGES OF LEGAL AID CLINICS AND CLINICAL LEGAL EDUCATION IN NIGERIA**

Unfortunately, the quest for justice is neither easy nor swift. Law clinics do face significant challenges in the course of their daily business. Apart from this, CLE has not reached an optimal position within the Nigerian legal education system. The challenges that law clinics continue to face include the following:

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<sup>26</sup>A. A. Adewumi, O.A.. Bamgbose, Op. Cit.

<sup>27</sup>A compulsory 3 Credit course offered by part 4 students at the University of Ilorin, Faculty of Law



## CRITIQUE OF AN EPITOME PRACTICAL ROLE OF LAW CLINIC IN CLINICAL LEGAL EDUCATION IN NIGERIA

**Funding:** As one would imagine, one of the most enduring challenges that face law clinics, as with other legal aid institutions, is access to a stable source of funding.<sup>28</sup> Most law clinics have no basic infrastructure such as good chairs, tables, working computers, fast internet facilities and access etc. Many law clinics do not even have adequate office space.

**In adequate popularization of law clinics:** It remains disheartening that despite the number of law faculties in the country, there are still only 18 law clinics in the entire country. This is representative of the fact that many faculties are yet to get on board the wagon of law clinics<sup>29</sup> and especially CLE in Nigeria.

**Little financial support from law faculties:** Most of the support that law clinics currently receive, as a whole, comes from NULAI and its project partners. Without the grants coming from these sources, law clinics have little to no recourse from their host faculties, except for some few notable exceptions.

**Dearth of adequate staff:** There are two problems tied together here. First, law clinics are understaffed, in terms of qualified lawyers. Since students cannot appear in Nigerian courts, many of the cases that would need legal representation must either be referred to an equally understaffed legal aid council or referred to outside lawyer for pro bono handling, which is hard to come by. Second, even the staff coordinators often appointed to handle the affairs of law clinics end up being overworked, since they have to handle, at the same time, their academic and administrative duties within the faculty.

**Language barrier:** from experience in the handling of some projects, is another challenge, in term of interpretation due to the nomadic nature of some of the inmates

**Delay** is still part of the criminal justice system, there were instances where the accused were not brought to court on the days their cases were listed to be heard. This stalled the progress of the case and resulted in unnecessary adjournments.

These challenges unfortunately continue to affect the growth of CLE and law clinics in Nigeria. If effort is taken to combat them, legal education in Nigeria will rise to a point where the system can routinely produce lawyers that are abundantly equipped to practice and as well serve humanity.

### 6. RECOMMENDATIONS ON RESOLVING THE CHALLENGES

This paper makes the following recommendations as possible panacea to the challenges militating against law clinics and CLE in Nigeria.

As suggested that Postgraduate Students may be used to combat staff inadequacy and the introduction of CLE as a course in all law faculties for increased participation in support and relevance for law clinics. Together with mainstreaming of CLE as argued, that there is an urgent need to mainstream CLE in Nigeria, not just in theoretical requirements at the NUC and Council of Legal Education level but also at the practical level in each Nigerian law faculty. The scholar observed, “[e]xperience has shown that once approved, most law faculties in Nigeria do not make actual use of the ... law clinic for social justice education”.<sup>30</sup> More effort must be made to actually ensure that law faculties establish and actually support their law clinics. It is further suggested that the clinic should be funded by the university as an independent unit of the faculty of law together with budgetary allocation by the National Universities Commission towards achieving the objective of clinical legal education.

On the issue of lack of staff, the Legal Practitioner Privilege Committee should include as part of the condition for practitioner aspiring to be Senior Advocate of Nigeria to show evidence of participation in CLE training of clinician, including handling of *pro bono* cases.

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<sup>28</sup> O.S. Adelakun-Odewale, Op. Cit. p. 8

<sup>29</sup> Association of University Legal Aid Institutions, Open Society Justice Initiative & University of Natal, *Combining Learning and Legal Aid: Clinics in Africa*, Report on the First All-Africa Colloquium on Clinical Legal Education, June 23–28, 2003, at <<http://www.justiceinitiative.org/>>accessed June 10, 2019

<sup>30</sup> O.S. Adelakun-Odewale, Op. Cit., p. 8

It is believed that the popularization of CLE by National Association of Law Teachers (NALT) and the practical mandatory introduction of CLE as well as its enforcement by National Universities Commission of Nigeria that is saddled with promoting higher quality education in Nigeria will go a long way to entrench clinical legal education in Nigeria.

The problem of language interpretation barrier may be surmounted by the approval of para-legal services by clinicians to serve as interpreter to the courts. It is believed that strict compliance with the provisions of Administration of Criminal Justice Act<sup>31</sup> (ACJA) 2015 will definitely remove incidences of delay and its attendant consequences.

## 7. CONCLUSION

It is truism that CLE is absolutely important to achieve a successful transmission to law students those practical skills that make a 21<sup>st</sup> century lawyer. If the advantage of law clinics is properly managed and students are skillfully and purposefully exposed to participation in law clinics for extensive periods during their undergraduate, law school and postgraduate degrees, the mainstreaming of CLE will be a reality sooner than later. The realization of the education and service objectives, access to justice and legal aid will be realism.

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## CRITIQUE OF AN EPITOME PRACTICAL ROLE OF LAW CLINIC IN CLINICAL LEGAL EDUCATION IN NIGERIA

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